



## **PLANNING COMMISSION SYNOPSIS**

**Wednesday, May 28, 2008**

**6:30 p.m. Regular Meeting**

**Council Chambers**  
First Floor, City Hall Wing

200 East Santa Clara Street  
San José, California

**Ash Kalra, Chair**  
**Randi Kinman, Vice-Chair**

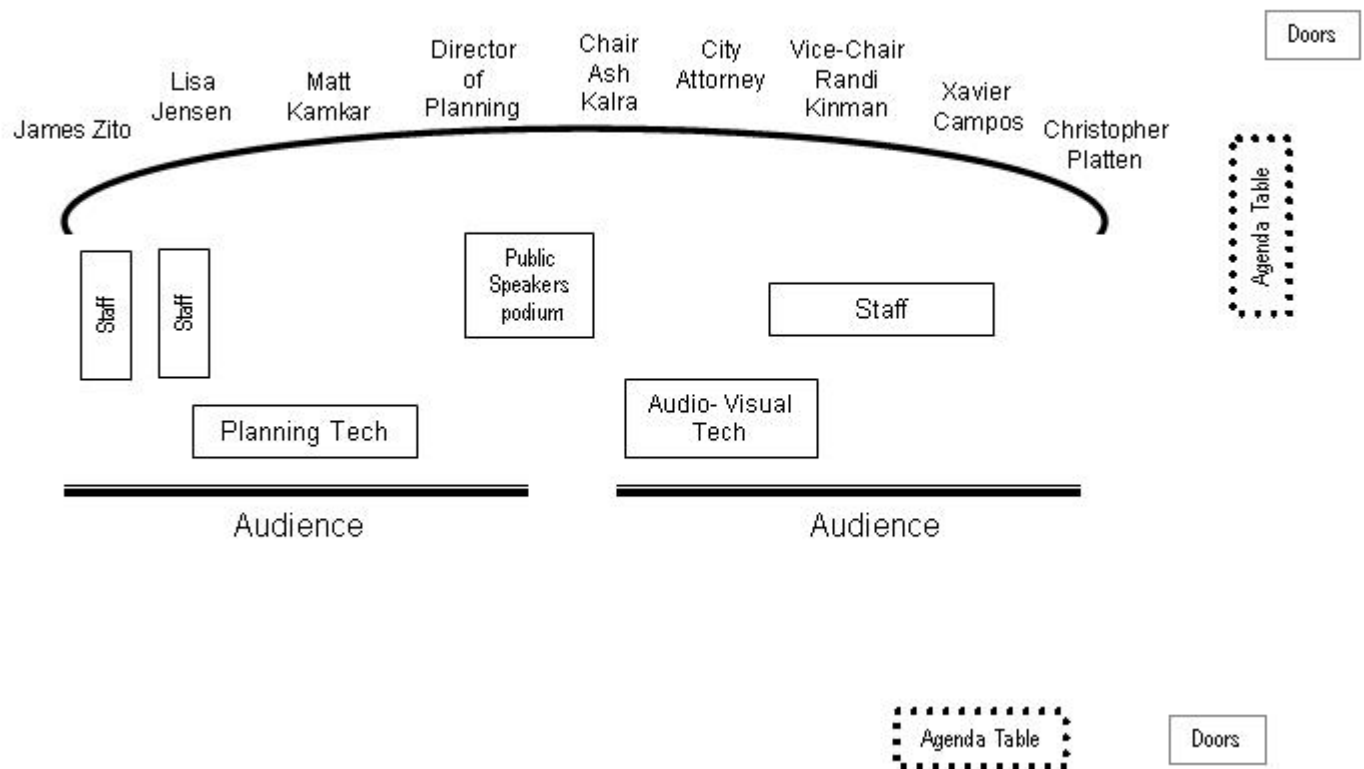
<b>Xavier Campos</b>	<b>Lisa Jensen</b>
<b>Matt Kamkar</b>	<b>Christopher Platten</b>
<b>Jim Zito</b>	

**Joseph Horwedel, Director**  
**Planning, Building and Code Enforcement**

### **NOTE**

To listen to the audio recording of the planning Commission, please go to the Planning website at: [http://sanJosé.granicus.com/ViewPublisher.php?view\\_id=17](http://sanJosé.granicus.com/ViewPublisher.php?view_id=17)

The Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at [www.sanjoseca.gov/planning/hearings/planning\\_com.asp](http://www.sanjoseca.gov/planning/hearings/planning_com.asp).

Audio for the Planning Commission hearings are recorded and broadcasted live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website:  
[http://sanjose.granicus.com/ViewPublisher.php?view\\_id=17#planningCommission](http://sanjose.granicus.com/ViewPublisher.php?view_id=17#planningCommission).

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

*All Commissioners present, except Commissioner Zito arrived during Item 4.d.*

**2. DEFERRALS**

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **CP06-072**. Conditional Use Permit Renewal to allow continued operation of a public eating, drinking, and entertainment establishment, with late night use until 2:00 a.m. daily on a 0.19 gross acre site in the DC Downtown Primary Commercial Zoning District, located at the west side of South 2nd Street, approximately 70 feet north of East San Fernando Street (85 S 2ND ST)(Second Street 88 Colin Cheung, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

**DEFERRED TO 06/11/2008 AT APPLICANT'S REQUEST (6-0-1; ZITO ABSENT)**

- c. **CP07-106**. Conditional Use Permit for an eating, drinking and entertainment establishment with late night use until 2:00 a.m. daily on a 0.06 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the west side of South Second Street approximately 100 feet north of East San Fernando Street (83 S 2ND ST)(Second Street 88, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

**DEFERRED TO 06/11/2008 AT APPLICANT'S REQUEST (6-0-1; ZITO ABSENT)**

- d. **PDC06-018**. Planned Development Rezoning from CN Commercial Neighborhood Zoning District to A(PD) Planned Development Zoning to allow up to 6 single-family detached residences on a 0.69 gross acre site, located on the north side of Michigan Avenue approximately 350 feet easterly of North 1st Street (Schulman, Bennie and Linda S, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, L.McMORROW*

**DROPPED AT APPLICANT'S REQUEST (6-0-1; ZITO ABSENT)**

**3. CONSENT CALENDAR**

- a. **CA08-001**. Conservation Area Amendment to allow a seven-parcel expansion of the current boundaries of the Hanchett and Hester Park Conservation Area to include the following single-family detached residences: 23, 26, 27, 28, 31, 34, and 36 Tillman Avenue. Cassandra Ravenscroft, project proponent. Council District: 6. SNI: None. CEQA: Exempt. Historic Landmark Commission approved 05/07/2008. *PROJECT MANAGER, D.McBAIN*

**RECOMMENDED APPROVAL (6-0-1; ZITO ABSENT)**

May 28, 2008

Page 3 of 10

- b. **CP08-015.** Conditional Use Permit to allow a second drinking establishment and late night use until 2:00 a.m. at an existing hotel on a 0.96 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the southwest corner of South Market Street and West San Carlos Street (MARRIOTT HOTEL 301 S MARKET ST)(Walton San Jose Investora LLC, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

**APPROVED (6-0-1; ZITO ABSENT)**

- c. **PDC07-068.** Planned Development Rezoning from R-2 Residence Zoning District to A(PD) Planned Development Zoning District to allow three new single-family detached residences and one existing single-family residence on a 0.34 gross acre site, located at the southeast corner of Vine Street and Floyd Street (1312 Vine St.)(Keys Melvin L And Margaret G, Owner). Council District 3. SNI: Washington. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

**RECOMMENDED APPROVAL (6-0-1; ZITO ABSENT)**

- d. **PDC08-018.** Planned Development Rezoning from CG Commercial General Zoning District to A(PD) Planned Development Zoning District for construction of two live/work units on a 0.08 gross acre site, located on the west side of North 4th Street, approximately 230 feet north of East St. James Street (237 N 4TH ST) (Zajonc Larry W And Smith-Zajonc Janice A Tr, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.McMORROW*

**RECOMMENDED APPROVAL (6-0-1; ZITO ABSENT)**

*Staff corrected Development Standards to indicate 3 employees permitted..*

- e. **PDC07-089.** Planned Development Rezoning from Unincorporated County to A(PD) Planned Development to allow up to 6 attached single-family residences on a 0.43 gross acre site, located on the south side of Douglas Street approximately 200 feet easterly of S. Willard Avenue (1480 DOUGLAS ST) (Basheer Salameh, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, M.DAVIS*

**RECOMMENDED APPROVAL (6-0-1; ZITO ABSENT)**

*Staff provided an update regarding correspondence received regarding parking for project. Pulled from Consent Calendar by member of the public.*

*Staff explained project provides more guest parking than required under the Design Guidelines, and that 3.5 spaces per unit was included as a requirement in the Development Standards.*

*In response to Commissioner Kinman, applicant explained discussion with SNI committee regarding a preference for presentation at the Buena Vista meeting, and explained community would be involved in future PD permit design phase. Commissioner Kinman thanked applicant for early and ongoing outreach.*

*In response to Commissioner Kamkar, staff explained extra parking provided beyond Guidelines recommendation and that analysis showed that cars can maneuver adequately on site.*

*Commissioner Campos suggested staff could provide information about interest by NAC in staff reports.*

*Commissioner Kamkar commented that percentage of units with tandem garages seemed too high and suggested two units with tandem parking more appropriate. Commissioner Kalra stated extra guest parking would mitigate 4 units including tandem parking.*

**The following items are considered individually.**

#### **4. PUBLIC HEARINGS**

- a. **PDC07-072.** Planned Development Rezoning for a Master Plan for the Bellarmine College Preparatory Campus. The project includes demolition of about 47,000 square feet of existing buildings and the new construction of 135,884 square feet resulting in 272,578 square feet (total), as well as allowing a maximum student population of 1,750 students (currently 1570) on an existing private high school on an approximately 30.05 gross acre site, located in the area generally bounded by W. Hedding Street, Caltrain right-of-way, Stockton Avenue, Emory Street and Elm Street (960 W. Hedding Street)(Bellarmine College Preparatory, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 05/07/08 and Re-noticed. *PROJECT MANAGER, E.SCHREINER*

#### **RECOMMENDED APPROVAL WITH ADDITIONAL CONDITION FOR DROP-OFF AREAS. (6-0-1; ZITO ABSENT)**

*Staff provided an update to add condition regarding student drop-off areas. Bellermine representatives explained collaborative process for future school development and meetings held with College Park leadership, and including community. They highlighted major activity centers, including the theater, would be moved toward the interior of the site. Representatives explained that the school would continue to have 70 “extra” parking spaces beyond Code requirements in the future.*

*In response to Commissioner Kamkar, applicant indicated agreement with staff-recommended condition relative to drop-off areas, but stated community should realize that neighborhood streets are public ways, and school can not control all activity on road. The architect explained drop-off areas currently available and for the future.*

*Michael Hines, president of College Park Neighborhood Association, complimented Bellermine team on inclusive process and stated school has made a sustained effort to engage community and had entertained input from the neighborhood, especially the extra condition relative to drop-off areas.*

*Commissioner Platten moved approval. Commissioner Jensen complimented work of school and neighborhood. Commissioner Kinman stated it was nice to see all working together, but urged all to continue to work together during construction phase. Commissioner Kalra stated it can be challenging to live near a large educational institution, but the school is doing a good job here.*

- b. **PDC07-042.** Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow the addition of commercial uses including office, retail, restaurant and warehouse uses within an existing industrial building on a 4.01 gross acre site, located on the south side of Murphy Avenue approximately 400 feet easterly of Oakland Road (1180 MURPHY AV)(Bhupindar S. Dhillon Trustee & Et

Al and Satindar Dhillon, Owner). Council District 4. SNI: None. CEQA: Exempt.

*PROJECT MANAGER, E.SCHREINER*

**RECOMMENDED APPROVAL WITH CONDITIONS FOR MAXIMUM OF 100 SEATS FOR RESTAURANTS, 10:00 P.M. CLOSING TIME FOR NON-INDUSTRIAL USES, AND REMOVE OUTDOOR PATIO AREA SO NO OUTSIDE DINING OR USE. (6-0-1; ZITO ABSENT)**

*The applicant was not present. Speakers from the neighborhood expressed concern that allowing restaurants could result in similar impacts on the neighborhood to the prior use as a nightclub.*

*In response to Commissioner Kamkar, neighborhood resident stated office/industrial more appropriate use than restaurants. Other residents recounted past issues with music late at night, and asked for Commissioner support. In response to Commissioner Kamkar, one speaker explained past incidents.*

*Commissioner Kalra asked staff to explain options for ways to deal with music associated with a potential restaurant. Staff and the City Attorney explained possible choices for restrictions, including number of seats in restaurant, or limiting outdoor uses, but indicated that a set of related conditions would be more effective than just a condition to limit noise. Staff commented that further restrictions could be placed on size of restaurant or seating area to help reduce possibility that any future restaurant could be used as a music venue.*

*Commissioner Jensen restated the proposal and expressed that 14,000 square feet seemed large for a restaurant. Staff proposed a possible 100 seat restaurant limitation, which would be equivalent to 25 4-person tables.*

*Commissioner Jensen moved staff recommendation with: maximum seating of 100 seats for restaurants, 10:00 p.m. closing for non-industrial uses and to remove patio area.*

- c. **PDC08-012.** Planned Development Rezoning from A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District to subdivide one parcel into two lots for an existing eating establishment and an existing single-room occupancy (SRO) living unit facility and to add new vehicular parking areas on a 2.88 gross acres site, located on the east side of Monterey Road approximately 700 feet northerly of Tully Road (2112 MONTEREY RD) (Emergency Housing Consortium, Owner). Council District 7. SNI: None. CEQA: Exempt. *PROJECT MANAGER, E.SAMONSKY*

**RECOMMENDED APPROVAL (5-0-1-1; ZITO ABSENT; JENSEN ABSTAINED)**

*Commissioner Campos stated users of SRO housing use multiple modes of transportation and reduced parking rate is appropriate.*

- d. **PDC06-067.** Planned Development Rezoning from IP Industrial Park Zoning District to the A(PD) Planned Development Zoning District to allow up to 777 multi-family attached residences and a 2.58 acre public park on a 14.3 gross acre site, located on the southeast corner of River Oaks Parkway and Seeley Avenue. (Essex Portfolio, LP, Owner / Essex Property Trust, Inc., Developer). Council District 4. SNI: None. CEQA: Addendum to North San José EIR. *PROJECT MANAGER, J.BATY*

**RECOMMENDED APPROVAL (7-0-0)**

*Staff stated revised condition #12 would clarify required analysis to determine sanitary sewer improvements required at PD Permit stage.*

*In response to Commissioner Kalra, Dave Mitchell, from the Parks Department stated proposed park located so it could be expanded to the south in the future.*

*Applicant explained revisions to project to decrease units since initial submittal, and stated no tandem parking proposed. Applicant “walked through” project to explain 3 building clusters.*

*Neighbors expressed concern about width of roadway being adequate for fire access for ladder truck, especially if on-street parking would be allowed, and potential stacking issues for vehicles wanting to turn into Montague. Jean Marlow asked that the project be deferred to allow review of revised design with neighborhood, especially over issue of five-story height when other NSJ projects have been only four stories near existing residential. Another speaker indicated multiple outlets from development should be provided, instead of just one onto Seeley, which will concentrate traffic congestion.*

*Applicant confirmed that Fire Department had reviewed access roads and drives met fire requirements, and indicated that various improvements for traffic flow had been considered. In response to Commissioner Kalra, staff stated Fire Department staff has concurred the proposed streets meet typical standards and are adequate for fire apparatus.*

*Staff clarified riparian setback and where building edge would be relative to riparian vegetation. In response to Commissioner Kalra, staff explained community meetings held, and that no other residential buildings on Seeley are 5-stories, but not interface issue given other industrial buildings in area.*

*Manuel Pineda explained cumulative traffic analysis and disclosure in NSJ EIR environmental analysis and various methodologies for traffic analysis. He indicated queuing issue at Montague is an identified issue and stated that as part of Montague Widening project staff would look for operational improvements, and required signal at Seeley and River Oaks should also help. He also commented that in future, additional access through other adjoining site would be provided, but Montague project will preclude direct connection.*

*In response to Commissioner Kalra, Dave Mitchell explained park size and analysis of private recreation credits and stated turnkey site is appropriate to meet park requirement and has ability to be expanded.*

*Commissioner Campos expressed that while Commission hears concern by neighbors, that this applicant shows good give and take and improvement in project since submittal, and this is good project and this is urban environment.*

*Commissioner Kalra noted riparian corridor study session would be opportunity to fully discuss any discrepancies with Water District methodology.*

- e. **PDC06-131**. Planned Development Rezoning from the R-1-8 Residential Zoning District to the A(PD) Planned Development Zoning District to allow 10 single-family attached and detached residences on a 1.0 gross acre site, located on the west side of Lucretia Avenue approximately 250 feet south of Bellhurst Avenue (Faucher Fred L And Constance M,

Owner). Council District 7. SNI: Tully/Senter. CEQA: Mitigated Negative Declaration.  
PROJECT MANAGER, M.DAVIS

**RECOMMENDED APPROVAL (4-3-0; CAMPOS, KINMAN, PLATTEN  
OPPOSED)**

*Applicant stated concurrence with staff recommended conditions except for requirement to retain existing older house on site, and stated point totals overstate importance of resource. Applicant noted particular items disagreed with and asked Commission to determine this house not historic. In response to Commissioner Kamkar, applicant noted some tandem parking proposed and on-street parking per City's design guidelines.*

*In response to Commissioner Campos, regarding possible modifications to building that would make retention difficult, applicant commented building in a bad state of repair.*

*Staff explained ongoing disagreement over retaining the house and stated that enclosure of porches could be reversed, and Historic Landmarks Commission did vote to add house to the inventory. In response to Commissioner Campos, staff indicated that renovations would follow Historic design guidelines and Secretary of the Interior Regulations, but it was still unknown about the full extent of renovation needed.*

*Commissioner Jensen moved approval with staff recommendation to retain 1918 house on-site, and explained benefit to community of improving older homes to be part of neighborhood design. Commissioner Kamkar asked to modify Development Standards to limit tandem parking to 20% of units.*

*In response to Commissioner Zito regarding how to preserve house, staff explained house would need to move when Lucretia gets widened, but could still front on Lucretia with an additional unit also, and that the applicant's proposal would put front door on Lucretia.*

*Commissioner Zito expressed support for layout, but expressed concern that more presence of project houses on Lucretia would be better and stated he hoped project could look less like an alleyway.*

*Commissioner Kalra stated that Commission should remember need for flexibility in parking to provide accommodation for older home. Commissioner Campos stated that house not that significant and that City's design guidelines recommend tandem parking to reduce wide garages and stated he would not support motion. Commissioner Kinman stated she would not support motion, stating Commission should be consistent when recommending a share of tandem parking. Commissioner Kamkar withdrew his specific 20% only tandem requirement.*

*Commissioner Zito expressed concern about lack of additional on-site parking. Staff clarified where additional on-site parking was located, and nature of conceptual connections to lot to the south for future development.*

*Commissioner Jensen recommended staff recommendation of up to 10 units, including retention of 1918 house. Commissioners Campos, Kinman, and Platten were opposed and expressed that the house was not distinctive enough to warrant requirement for on-site preservation.*



## **5. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
  - 1) Responding to statements made or questions posed by members of the public; or
  - 2) Requesting staff to report back on a matter at a subsequent meeting; or
  - 3) Directing staff to place the item on a future agenda.

## **6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

*NONE.*

## **7. GOOD AND WELFARE**

- a. Report from City Council

*Report given noted approval of all General Plan Amendments; lower density approved in Japantown then recommended by the Commission; Morrison Park project Approved.*

- b. Commissioners' report from Committees:

- 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).

*Commissioner Campos was absent from the meeting – no report.*

- 2) Parks Funding Subcommittee (Zito).

*Commissioner Zito – group met 5/28/08 to review City Manager Budget. He asked to itemize an item on the agenda for 6/11/08 for discussion of the parks subcommittee recommendation.*

- 3) Envision San José 2040 General Plan Update Process (Kamkar).

*Commissioner Kamkar stated task force met 5/27/08 on demographic projections.*

- c. Review of synopsis for 05/07/08 and 05/14/08.

*05/07/08 - Approved (7-0-0)*

*05/14/08 – Approved (6-0-0-1; KINMAN ABSTAINED)*

- d. Consider Study Session dates and/or topics.

*Consider dates for the Planning Commission Retreat.*

*Additional Study Sessions:*

*6/11 – Planning Commission By-Laws 5:00 p.m. to 6:30 p.m.*

*6/25 – Riparian Corridor Policy 5:00 p.m. to 6:30 p.m.*

*9/24 – Joint Study Session with Parks Commission 5:00 p.m. to 6:30 p.m.*

*9/25 – Annual Retreat, 8:30 a.m. to 5:00 p.m.*

*(Note: Economic Benefits of Historic Preservation Session moved to Fall, no date yet)*

## **8. ADJOURNMENT**

## **2008 PLANNING COMMISSION MEETING SCHEDULE**

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session <i>Review &amp; Comment: Planning Department Website</i>	Room T-332
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session <i>CEQA: Reviewing Environmental Impact Reports</i>	Room T-332
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session <i>North San José</i>	Room T-332
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session <i>Green Vision/Develop City Policy</i>	Room T-332
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (Monday)	5:00 p.m.	Study Session <i>Inclusionary Housing &amp; Housing Element</i>	Room T-332
April 21 (MONDAY)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	5:00 p.m.	Study Session <i>Capital Improvement Program</i>	Room T-1654
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers